

ESTTA Tracking number: **ESTTA624319**Filing date: **08/29/2014**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Footwear Unlimited, Inc.		
Entity	Corporation	Citizenship	Delaware
Address	99 Larkin Williams Court Fenton, MO 63026 UNITED STATES		

Attorney information	Michelle Alvey Husch Blackwell LLP 190 Carondelet Plaza, Suite 600 St. Louis, MO 63105 UNITED STATES PTO-SL@huschblackwell.com, Michelle.Alvey@huschblackwell.com, Arkadia.Olson@huschblackwell.com, Nicole.Anderson@huschblackwell.com Phone:314-480-1500
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**Applicant Information**

Application No	86236282	Publication date	08/19/2014
Opposition Filing Date	08/29/2014	Opposition Period Ends	09/18/2014
Applicants	Schrock, Sheldby 5821 Deck House Rd Fort Worth, TX 76179 UNITED STATES  Schrock, Trevor 5821 Deck House Rd Fort Worth, TX 76179 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 025. First Use: 0 First Use In Commerce: 0


All goods and services in the class are opposed, namely: Clothing, namely, tops, bottoms, graphic t-shirts, hats, graphic hoodies

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration No.	4259226	Application Date	03/06/2012
Registration Date	12/11/2012	Foreign Priority	NONE

		Date	
Word Mark	YUU		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 2012/07/24 First Use In Commerce: 2012/07/24 Footwear		

U.S. Application No.	86135252	Application Date	12/04/2013
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	YUU		

Design Mark	
Description of Mark	The mark consists of the letters "YUU" with dots above the "U" in a stylized font.
Goods/Services	Class 025. First use: First Use: 0 First Use In Commerce: 0 Shirts, tops, pants, leggings, skirts, dresses, shorts, sweaters, hosiery, jackets, underwear, pajamas, swimwear, footwear, scarves, gloves, hats

Attachments	85561586#TMSN.png( bytes ) 86135252#TMSN.png( bytes ) NoticeOfOpposition.pdf(244046 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Michelle Alvey/
Name	Michelle Alvey
Date	08/29/2014

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on August 29, 2014.

*/Michelle Alvey/*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application  
Serial No. 86236282

FOOTWEAR UNLIMITED, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.
	)	
	)	
TREVOR and SHELDY SCHROCK	)	
	)	
Applicants.	)	

NOTICE OF OPPOSITION

Footwear Unlimited, Inc. (“Opposer”), a Delaware corporation, with a place of business at 99 Larkin Williams Court, Fenton, Missouri 63026, believes it will be damaged by the registration of the mark as shown in Application Serial No. 86236282 (the “Application”), and hereby opposes the same.

As grounds for opposition, Opposer states:

1. On March 29, 2014, Applicant Trevor Schrock, 5821 Deck House Rd., Fort Worth, Texas 76179 and Applicant Sheldy Schrock, 5821 Deck House Rd., Fort Worth, Texas 76179 (“Applicants”) filed the Application for the mark YÜE (“Applicants’ mark”) for “Clothing, namely, tops, bottoms, graphic t-shirts, hats, graphic hoodies” in Class 25 (“Applicants’ goods”). The Application is based on an alleged bona fide intent to use the mark in commerce.

2. Opposer owns common law rights in and to the trademark YUU (which consists of the letters "YUU" with dots above each "U" in a stylized font) for footwear and apparel, including the goods set forth in the chart below (Opposer's Goods"), and Opposer owns U.S. Registration No. 4259226 and U.S. Application No. 86135252, set forth in the chart below (all of Opposer's rights in and to the marks referenced above and included below are collectively referred to as the "YUU Mark"):

MARK	GOODS
 Reg. No. 4259226	Footwear
 Application Serial No. 86135252	Shirts, tops, pants, leggings, skirts, dresses, shorts, sweaters, hosiery, jackets, underwear, pajamas, swimwear, footwear, scarves, gloves, hats

3. Since long prior to the filing date of the Application and any alleged use by Applicants, Opposer has used the YUU Mark in connection with Opposer's Goods, which are identical or similar to Applicants' goods.

4. The YUU Mark is distinctive, and is uniquely associated with Opposer in connection with Opposer's Goods, by reason of Opposer's and/or its licensee's continuous and extensive advertising, promotion, sales, and use. Such advertising, promotion, sales, and use occurred prior to the filing date of the Application and any alleged use by Applicants.

5. On information and belief, Applicants' goods are or will be directed to the same or related class of customers as are Opposer's Goods and will be sold in the same channels of trade.

6. Applicants' mark so resembles the YUU Mark as to be likely, when used in conjunction with Applicants' goods, to cause confusion, mistake, or deception by causing the public to believe that the goods offered in connection with Applicants' mark originate from, or are otherwise sponsored or endorsed by Opposer in violation of Lanham Act §2(d) (15 U.S.C. 1052(d)).

7. For at least the reasons stated above, Opposer will be damaged by Applicants' registration of Application No. 86236282.

WHEREFORE, Opposer prays that Application No. 86236282 be refused registration.

Dated: August 29, 2014

Respectfully submitted,

By: /Michelle Alvey/  
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*Attorneys for Opposer Footwear Unlimited, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Notice of Opposition was served by First Class Mail, postage prepaid on this 29 day of August 2014 upon the following:

Applicants:

Sheldby Schrock  
5821 Deck House Rd  
Fort Worth, Texas 76179

Trevor Schrock  
5821 Deck House Rd  
Fort Worth, Texas 76179

and

Attorney of Record for Applicants:

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/Michelle Alvey/